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REMARKS

Claims 1-16 are now pending in the application. Claims 1-11 stand rejected under 35 U.S.C. §103(a). The Examiner is respectfully requested to reconsider the claims and withdraw the rejections in view of the foregoing amendments and the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-11 stand rejected under 35 U.S.C. § 103(a) as being anticipated by Williams (U.S. Patent No. 4,035,921) in view of Gassman et al. (U.S. Patent No. 3,377,708). This rejection is respectfully traversed.

Williams '921 discloses a lockable spout closure assembly that includes an elastomeric stopper that is axially compressible by a locking mechanism so that it expands radially to grip an inner surface of a spout. Williams does not disclose that the tube for receiving the indicator rod has a radially outwardly projecting flange as required by the independent claims.

Gassman et al. '708 "teaches the use of indicator rods held by a seal to a tube having a radially outward projecting flange in systems for measuring oil level in an oil reservoir or other liquid level in a container." The indicator rod of Gassman et al. '708 is also held to the tube by the compression of an o-ring seal between the indicator rod and the inner surface of the tube. Gassman et al. '708 does not disclose the indicator rod lockingly engaging the flange, as required by the independent claims.

Even when taken in combination, Williams '921 and Gassman et al. '708 do not reach the independent claims. Both references disclose indicator rods which are retained within a tube by the friction generated between a seal and the inner surface of

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the tube. While Gassman et al. '708 does appear to disclose an outward projecting flange, nothing in Gassman et al. or Williams teaches the use of the flange to secure the indicator rod within the tube. Therefore, withdrawal of the rejection of claims 1 and 6, and of claims 2-5 and 7-11, which depend from claims 1 and 6, and reconsideration and reexamination of the claims, is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 944-6522.

Respectfully submitted,

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Dated: 1/5/2004

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